REMARKS

This responds to the Office Action dated February 29, 2008.

No claims are amended, no claims are canceled, and no claims are added; as a result, claims 1, 9-12, and 15-29 are now pending in this application.

§102 Rejection of the Claims

Claims 1, 9, 21-22 and 28-29 were rejected under 35 U.S.C. § 102(b) as anticipated by Philyaw et al. (U.S. Patent No. 6,098,106).

It is noted that while the rejection under 35 U.S.C. § 102(b) is in view of Philyaw, the Office action refers to Levy in item 3 starting on page 3 of the Detailed Action. In the interest of expediting prosecution, Applicants do not request that the corrected Office action be mailed but instead assume a typographical error on the part of Examiner and treat the discussion in item 3 as referring to Philyaw. An acknowledgement of this assumption being correct is respectfully requested.

In order to show "a portion of the content item" recited in claim 1, the Office action cites a message packet illustrated in Fig. 4a in Philyaw. As shown in Fig. 4a, the message packet 400 comprises URL of Advertiser Reference Server (ARS), advertiser product code, and URL of source. The Office action does not explain what feature is Philyaw is being considered to correspond to the content item, of which the message packet 400 is a portion. **It is respectfully requested that Examiner explains what feature is Philyaw is being considered to correspond to "the content item" recited in claim 1.**

In order to show that the received portion of the content item is "distinct from an identifier associated with the content item," the Office action cites, again, the message packet 400 and the description at 6: 13-37 and 8: 24-43. The Office action does not explain what feature is Philyaw is being considered to correspond to an identifier associated with the content item. **It is respectfully requested that Examiner explains what feature is Philyaw is being**

considered to correspond to "an identifier associated with the content item" recited in claim 1.

In order to show "determining that the portion of the content item is **not** accompanied by an identifier suitable for interrogating a database to determine further information associated with the content item," the Office action cites the description in Philyaw (at 8: 24-43) of a process that the Advertiser Reference Server (ARS) undergoes when receiving the message packet 400. Specifically, this process in Philyaw entails extracting the product code from the message packet 400 and then interrogating the database with the product code to determine the advertiser server URL. It is thus clear that the message packet 400 includes a product code that can be used to interrogate a database. This is exactly the opposite from "determining that the portion of the content item is **not** accompanied by an identifier suitable for interrogating a database to determine further information associated with the content item," recited in claim 1.

Another passage cited by the Office action to show this feature of claim 1 is at 8: 51-67 in Philyaw. It is respectfully pointed out that this portion of Philyaw does not at all address the message packet 402 that was selected by Examiner as the feature corresponding to "the portion of the content item" recited in claim 1. It is respectfully requested that the relevance of the passage in Philyaw at 8: 61-67 to the feature of "determining that the portion of the content item is **not** accompanied by an identifier suitable for interrogating a database to determine further information associated with the content item" be clarified.

It is submitted that the feature of "determining that the portion of the content item is **not** accompanied by an identifier suitable for interrogating a database to determine further information associated with the content item" recited in claim 1 is not disclosed in Philyaw.

The Office action does not explain what feature is Philyaw is being considered to correspond to further information on the content item. **It is respectfully requested that Examiner explains what feature is Philyaw is being considered to correspond to "further information on the content item" recited in claim 1.**

Thus, because Philyaw fails to disclose or suggest the features of claim 1 (e.g., the feature of "determining that the portion of the content item is not accompanied by an identifier suitable for interrogating a database to determine further information associated with the content item"), claim 1 and its dependent claims are patentable in view of Philyaw and should be allowed.

Claim 9 recites a processor to "determine that the portion of the content item is not accompanied by an identifier suitable for interrogating a database to determine further information associated with the content item." Thus, claim 9 and its dependent claims are patentable for at least the reasons articulated above with respect to claim 1.

Claim 22 recites a machine-readable medium having stored thereon data representing sets of instructions which, when executed by a machine, cause the machine to "determine that the portion of the content item is not accompanied by an identifier suitable for interrogating a database to determine further information associated with the content item." Thus, claim 22 is patentable for at least the reasons articulated above with respect to claim 1.

Claim 29 recites "determining that the portion of the content item is not accompanied by an identifier suitable for interrogating a database to determine further information associated with the content item." Thus, claim 29 is patentable for at least the reasons articulated above with respect to claim 1.

§103 Rejection of the Claims

Claims 10, 15-19 and 23-26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Philyaw et al. (U.S. Patent No. 6,098,106) in view of Herz et al. (U.S. Patent Application Publication No. 2001/0014868).

It is noted that while the rejection of claims 10, 15-19 and 23-26 under 35 U.S.C. § 103(a) is in view of Philyaw and Herz combination, the Office action refers to Levy in item 4 starting on page 5 of the Detailed Action. For example, Examiner states the following. "... this feature is well known in the art and would have been an obvious modification of the system disclosed by Philyaw et al, as evidenced by Levy et al ..." In the interest of expediting prosecution, Applicants do not request that the corrected Office action be mailed but instead assume a typographical error on the part of Examiner and treat the discussion in item 4 as

referring to Philyaw and Levy combination. An acknowledgement of this assumption being correct is respectfully requested.

Claims 15-19 include the feature of "determining that the portion of the content item is not accompanied by an identifier suitable for interrogating a database to determine further information associated with the content item" by virtue of their being dependent on claim 1. Levy, whether considered separately or in combination with Philyaw, fails to disclose or suggest this feature. Thus, claims 15-19 are patentable in view of the Philyaw and Levy combination and should be allowed.

Claims 10 and 23-26 include a processor to "determine that the portion of the content item is not accompanied by an identifier suitable for interrogating a database to determine further information associated with the content item." by virtue of their being dependent on claim 9. Levy, whether considered separately or in combination with Philyaw, fails to disclose or suggest this feature. Thus, claims 10 and 23-26 are patentable in view of the Philyaw and Levy combination and should be allowed.

Claims 11-12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Levi et al. (U.S. Patent No. 6,505,160) in view of Herz et al. (U.S. Patent Application Publication No. 2001/0014868).

The Office action discusses the feature of "the media object being distinct from an identifier *associated with the content item.*" It is submitted that the phrase "a content item" is not recited in claim 11. Claim 11 instead recites " the media object being distinct from an identifier for the media object." It is submitted that the Office action fails to address the feature of "the media object being distinct from an identifier for the media object."

The Office action discusses the context information in Levy. It is respectfully requested that the relevance this discussion is clarified, i.e., what feature recited in claim 11 is considered as corresponding to the "context information" in Levy.

Claim 11 recites "determining that the media object is not accompanied by an identifier suitable for interrogating a database to determine further information associated with the media object." This feature is not addressed in the Office action. It is submitted that this feature is not

disclosed in the Levy/Herz combination and thus claim 11 and its dependent claim 12 are patentable and should be allowed.

Claims 20 and 27 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Philyaw et al. (U.S. Patent No. 6,098,106) in view of Herz et al. (U.S. Patent Application Publication No. 2001/0014868).

Claim 20 includes the feature of "determining that the portion of the content item is not accompanied by an identifier suitable for interrogating a database to determine further information associated with the content item" by virtue of its being dependent on claim 1. Herz, whether considered separately or in combination with Philyaw, fails to disclose or suggest this feature. Thus, claims 15-19 are patentable in view of the Philyaw and Herz combination and should be allowed.

Claim 21 includes a processor to "determine that the portion of the content item is not accompanied by an identifier suitable for interrogating a database to determine further information associated with the content item." by virtue of their being dependent on claim 9. Herz, whether considered separately or in combination with Philyaw, fails to disclose or suggest this feature. Thus, claims 10 and 23-26 are patentable in view of the Philyaw and Herz combination and should be allowed.

CONCLUSION

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at 408-278-4052 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being filed using the USPTO's electronic filing system EFS-Web, and is addressed to: Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on this 14 day of August 2008.

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Name — Signature